



Docket No. 75723-ZA/JPW/GJG/CS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David Baltimore et al.

Serial No.: 10/037,341 Examiner: C. Hibbert

Filed : January 4, 2002 Group Art Unit: 1636

For : NUCLEAR FACTORS ASSOCIATED WITH TRANSCRIPTIONAL
REGULATION

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February 23, 2009

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with their duty of disclosure under 37 C.F.R. §1.56, Applicants direct the Examiner's attention to the following disclosures, which are also listed on the attached substitute Form PTO-1449 (**Exhibit A**).

The subject application is a continuation under 35 U.S.C. § 120 of U.S. Application No. 08/464,364, filed June 5, 1995, now U.S. Patent No. 6,410,516, issued June 25, 2002, now undergoing reexamination under Control Nos. 90/007,503 and 90/007,828 which have been previously disclosed and brought to the Examiner's attention in the subject application.

Applicants note that item 1 listed herein is part of the merged *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828. Items 2-3 listed herein are part of a concurrent litigation captioned *Amgen Inc., et al. v. ARIAD*

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Pharmaceuticals, Inc., et al. The merged reexamination and the concurrent litigation proceedings involve U.S. Patent No. 6,410,516, which issued from a parent of the subject application.

All disclosures are readily available to the Examiner and to the public from the file history of U.S. Patent No. 6,410,516 and its merged reexamination proceeding (*Ex Parte Reexamination Control Nos. 90/007,503*, filed April 4, 2005, and *90/007,828*, filed December 2, 2005). Accordingly, copies of items 1-3 are not enclosed.

The Examiner is respectfully requested to make the items of record in the subject application by initialing and dating the attached substitute Form PTO-1449, and returning a copy of the initialed and dated form to Applicants' undersigned attorneys.

1. Advisory Action issued February 14, 2009 in Merged Reexamination Control Nos. 90/007,503 and 90/007,828;
2. Brief of Plaintiffs/Counterclaim Defendants-Appellees *Amgen Inc., et al.*, filed January 28, 2009 in the concurrent litigation captioned *Amgen Inc., et al. v. ARIAD Pharmaceuticals, Inc., et al.*, U.S. Court of Appeals for the Federal Circuit, Docket No. 2009-1023; and
3. Reply Brief for Appellants, *ARIAD Pharmaceuticals, Inc., et al.*, filed February 17, 2009 in the concurrent litigation captioned *Amgen Inc., et al. v. ARIAD Pharmaceuticals, Inc., et al.*, U.S. Court of Appeals for the Federal Circuit, Docket No. 2009-1023.

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Item 1 was issued February 14, 2009 in connection with merged *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Items 2-3 were previously disclosed as Exhibits 1-2 in SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed February 23, 2009, in connection with merged *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee is deemed necessary in connection with filing this Supplemental Information Disclosure Statement. However, if any other fee is required, authorization is hereby given to charge the additional amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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EXHIBIT A

of Supplemental Information Disclosure Statement

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